

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE CITY COLLEGE OF SAN FRANCISCO
("City College") LAWRENCE WONG, in his
official capacity as President of the Board of
Trustees, MILTON MARKS, III, in his official
capacity as Vice-President of the Board of Trustees,
DR. NATALIE BERG, JOHNNIE CARTER, JR.,
DR. ANITA GRIER, JULIO J. RAMOS, RODEL
E. RODIS, in their official capacities as members
of the Board of Trustees, and DR. PHILIP R. RAY,
JR., in his official capacity as Chancellor,

Defendants.

No. C 04-04981 WHA

**ORDER REGARDING LETTERS
OF JULY 22, 2005**

This order addresses the letters received from both sides, dated July 22, 2005. A telephone conference will be scheduled for plaintiffs' motion to compel discovery. The issue of whether the fact-discovery cutoff should be extended will also be discussed at that time. The Court does not contemplate that it will be necessary to depose all 200+ class members, as predicted by plaintiffs' counsel. Interviews may be sought, of course, but it would be wasteful to conduct 200 depositions. It may be worthwhile, however, for a few selected class members to be deposed.

For the time being, the Court is disappointed that plaintiffs' counsel has postponed site inspections. This case was brought as a class action and the Court does not understand why site

1 inspections for all campuses of City College were not conducted accordingly, at least
2 immediately after the class certification order of June 15, 2005, if not before.

3 With regard to the misdirected class notices that were returned as undeliverable, the
4 Court does not intend to delay turning over the names and contact information of class members
5 to plaintiffs' counsel. In the meantime, defendants' counsel should attempt once again to mail
6 the class notice to the corrected addresses for those that were returned. This should be done
7 immediately. As the class notice provided that objections may be postmarked by July 26, 2005,
8 the release of names and contact information to plaintiffs' counsel (under a protective order)
9 will not occur until August 1, 2005, at the earliest. If any recipient in the second round of
10 mailings objects to the disclosure of their confidential information after this date, plaintiffs'
11 counsel will be ordered to refrain from using that data.

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13 **IT IS SO ORDERED.**

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15 Dated: July 22, 2005



16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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